

**MINUTES OF THE  
GREENSBORO ZONING COMMISSION  
JANUARY 10, 2005**

**REGULAR MEETING**

A regular meeting of the Greensboro Zoning Commission was held on Monday, January 10, 2005 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Sr., Portia Shipman, Bill Schneider, Peter Kauber, Brian Byrd, J.D. Haynes and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., City Attorney's Office. Carrie Reeves, Greensboro Department of Transportation (GDOT). Virginia Spillman Greensboro Storm Water Division.

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting.

**ADJUSTMENTS IN AGENDA**

Chair Wolf said Item L was being withdrawn at the request of the City.

Mr. Gilmer moved that Item L be withdrawn, seconded by Mr. Kauber. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

**APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2004 REGULAR MEETING.**

Ms. Shipman moved approval of the minutes of the December 13, 2004 regular meeting, seconded by Mr. Byrd.

Mr. Kauber said he had a correction. On page 13, the comment made by him under Items from the Zoning Commission Members. He said that was not intended to be a serious comment and was an unsuccessful attempt to inject some humor. From his perspective, the whole comment could be stricken from the record.

Ms. Shipman and Mr. Byrd accepted the amendment. The Commission voted 9-0 in favor of the motion to amend the minutes. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

**PUBLIC HEARINGS:**

- A. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) ALL EXISTING STRUCTURES WILL BE RETAINED. 2) THE FOLLOWING MAXIMUM NUMBER OF UNITS SHALL APPLY TO EACH PROPERTY: (A) 763 CHESTNUT STREET = 2; (B) 765 CHESTNUT STREET = 3; (C) 767 CHESTNUT STREET = 2; AND (D) 769 CHESTNUT STREET = 3; - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF CHESTNUT STREET AND EAST HENDRIX STREET – FOR**

**JOHN K. MANDRANO (CONTINUED FROM DECEMBER 13, 2004 MEETING). (UNFAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

John Mandrano, 5514 Mecklenburg Road, presented materials for the Commission's consideration. He explained his relationship to the property and the neighborhood. He then explained the color-coded handout. The properties that he owns today will be the same properties he will own if this request is approved. The difference will be that they will be conforming uses under RM-18 rather than nonconforming uses under RS-7. The property at 769 Chestnut Street is now a quadplex and he would like to take it down to three units. This property has five gas meters on it; one for each unit and the fifth one is a common one for the house. He would like to add two electrical meters to the house, which would give him three meters for the house, one for each unit. The house is grossly under wired and he has a concern that if it is left on the present wiring, people will be overloading the wiring trying to run hair dryers, toasters, microwaves, etc., at the same time, all on the same wiring. He would like to upgrade the wiring in the house before he has a fire hazard. When he talked with staff in the Zoning Department, he was told the best way to approach this is to rezone the four properties, to RM-18, which is the zoning pattern on the west side of Chestnut Street. If this request is approved, the zoning and use of the properties would be in conformity with each other and he could get the two electrical meters he needs to put on 769 Chestnut Street. The other advantage to him would be if one of the houses were to be destroyed, he could replace it with the number of units it now has. Under the nonconforming use, it would have reverted to single-family and he could not have replaced it with more than one unit.

Speaking in opposition to the request was Betsy Baun, 114 Cypress Street, president of the Aycock Neighborhood Association; all members except one said "no" to this rezoning and wish the property to remain zoned for single family occupancy. She also said the Historic Preservation Commission had voted to recommend that they do not support the rezoning, however, they would like the addition of a couple of meters to be considered to make the property safer for Mr. Mandrano.

Charles Newell, 704 Cypress Street, speaking in opposition, gave a brief synopsis of the Aycock Neighborhood history and the stance the Neighborhood took in this matter. They fear that if these properties are rezoned to multifamily, that will start the neighborhood down a path from which it has just emerged and the neighborhood wishes to remain a single family neighborhood.

Mindy McReynolds, 604 Summit Avenue, opposed this request. She said the purpose of the nonconformity of these properties was that should any one of them burn down, they would have to go back as single family residential units. They do not want these lovely original single family homes to revert back to a situation where they could be rebuilt as multifamily.

Also speaking in opposition was Robert Lauver, 107 Cypress Street. The local historic district and the goals of the neighborhood with regard to the restoration and preservation of the single family character of the residences have been on the same page for over 20 years. He felt Mr. Mandrano's goals and objectives were consistent with those of the neighborhood and particularly with regard to the property at 769 Chestnut Street. His objective is to reduce the number of units in a house that had been divided into units. He assumed the City was having him rezone not only 769 Chestnut, but also three other

properties in order to avoid the appearance of "spot zoning, which would have the potential of setting a dangerous and harmful precedent. He asked the Commission to devise an exception or a waiver that would enable Mr. Mandrano to install the two additional meters without rezoning all four properties.

In rebuttal, Mr. Mandrano reminded the Commission that the reason he was here was to get two electrical meters put on 769 Chestnut Street. He has invested \$2 to \$3 million in this area and all he wants to do is what is right. He confirmed that the reason for including these three additional properties in the rezoning was to have sufficient area to meet the density requirements of the RM-18 zoning classification.

Chair Wolf asked Mr. Ruska to explain why this issue was before the Commission rather than the Board of Adjustment. He said he seemed to remember that the Board had dealt with the ability to add an additional meter to a property.

Mr. Ruska said he thought Chair Wolf was thinking of adding a meter to a detached accessory building. He did not recall the Board of Adjustment ever granting a variance to allow a second meter to a principal building because that would be an extension of a nonconforming use.

Mr. Mandrano said a Certificate of Appropriateness (CA) from the Historic Preservation Commission was not necessary since all the work was interior work. The only thing done to the exterior would be the installation of the meter to the electrical panel.

In rebuttal for the opposition, Robert Lauver said he thought one of the concerns was what happens if something happens to the property. Presently, as he understood it, the property has to be rebuilt and it would go through the Historic Commission's CA process. Rezoning to the RM classification would potentially have an adverse affect on the character of the local historic district and would set a precedent that could be applied not only to Chestnut, but also on Park where a property burned to the ground last year.

Chair Wolf closed the public hearing.

Mr. Hails said he thought all parties in this matter have the same goal of trying to maintain historic structures in this area and encourage more single family housing. However, how we get there, given various legal constraints, is what is in dispute. The General Future Land Use Map (GFLUM) shows Mixed Use - Residential for this site. The existing use at about 10 units per acre conforms with that. In addition, the Comp Plan supports diverse housing types in the same area; it also supports well-maintained, livable, safe neighborhoods. The requested district allows higher density than what is constrained by the conditions of no more than 10 units on the property. Under no circumstances, given the conditions attached to this request, could the number of units be above that. He hoped that down the road there would be some other zoning district options that we don't have right now to help with infill situations like this and they will have design standards attached to them as well. However, this type of situation will always be awkward and never easy. Staff freely admits that they do not think this is the greatest solution, but it was the only one staff could find and support that maintained the structures in their current state. The real culprit is that back in the early 1990s, this area was rezoned from multifamily to single family zoning and inadvertently some of these properties that were already multifamily became nonconforming uses, which affects the ability to get financing, insurance and other things as well. Multifamily zoning would make this property conform. It still has the protection of the conditions attached to this property; that the existing structures shall remain but that may not be the

ideal solution from the neighborhood's viewpoint since they would like to see these properties converted back to single family. Until such a point as a property owner chooses to make that decision, staff feels it is a reasonable request and, therefore, staff is supporting approval of the request.

Mr. Gilmer moved to introduce the ordinance. Ms. Shipman seconded the motion.

Several of the Commissioners commented on the request and gave reasons why they would vote either for or against. Commissioners Collins, Gilmer and Schneider said they would support the request. Commissioners Wolf and Haynes said they would not support the request.

Chair Wolf called the question. The Commission voted 4-5 in favor of the motion, thereby defeating the motion. (Ayes: Collins, Gilmer, Schneider, Byrd. Nays: Wolf, Shipman, Kauber, Haynes, Spangler.)

Chair Wolf said Vice Chair Collins would preside over the next item since he would recuse himself because his law firm had done work for this applicant on past projects.

Mr. Schneider moved that Chair Wolf be recused from participating in consideration of the next item. Mr. Gilmer seconded the motion. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None. Abstain: Wolf.)

**A-1. AN ORDINANCE REZONING FROM RS-40 RESIDENTIAL SINGLE FAMILY TO  
CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING  
CONDITION: 1) USES: RESIDENTIAL USES AND ACCESSORY USES AND STRUCTURES;  
- FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF HILLTOP  
ROAD BETWEEN LAKESHORE DRIVE AND EAST WOODLYN WAY – FOR MARSHALL  
BRITTAIN, AND ROBERT AND MERLYN SCHULTHEIS (CONTINUED FROM DECEMBER  
13, 2004 MEETING). (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

Seth Coker, 4605 Dundas Drive, presented materials for the Commission's consideration. He said he was one of two partners in this development; Frank Auman is the other. They would develop the property and Signature Property would be the management company. He said he had some additional conditions he would like to add to the request. They contacted the Southwest Neighborhood Association and the Sedgefield Lakes Neighborhood Association, both of which have some interest in this land. The Southwest Neighborhood Association thought this was a good land use. The Sedgefield Lakes Neighborhood Association had more concerns because they have something rather unique in their neighborhood and are very protective of the quality of their water. They had done research and worked with the Sedgefield Lakes Association, coming up with these additional conditions, which led to a formal endorsement not only of the Southwest Association, but the Sedgefield Lakes Association as well. Additional conditions are: 2) Development limited to 132 dwelling units plus accessory uses and structures. 3) Building and parking lots will be designed to channel all storm water runoff from the building and parking lots inside a retention pond, which drains to the existing on-premises pond or directly into the existing on-premise pond; under no circumstance will the overflow capacity of the existing pond be reduced or moved and the dam must be maintained. 4) The storm water runoff design will incorporate a filtration system that reduces petroleum runoff from reaching downstream water

reserves; the filtration system will be that which is designed for the purpose of removing petroleum pollutants from runoff and is designed to treat all parking lot storm water runoff. Once installed, the filtration system will be maintained to manufacturer's specifications. 5) The entrance to the property will be either on Hilltop Road to the west of the existing pond or on Lakeshore Drive. 6) No area south of existing house to Hilltop Road and the area south and east of existing ponds on Hilltop Road will be paved or built upon, excluding that which may be required by the City of Greensboro ordinance. 7) No parking lots or buildings will be built within 100 feet of on-site streams or existing ponds.

Mr. Ruska said Ms. Spillman from the City's Storm Water Division needs to make some comments about these conditions.

Ms. Spillman said Storm Water Management did not feel comfortable with some of the added conditions. She stated the reasons for concern with conditions 3 and 7).

Ms. Reeves with GDOT said they had problems with proposed Condition No. 5, because the design or location of a driveway is ultimately up the Director of Transportation or his designee.

Mr. Hails said it was not unusual that the neighborhoods want to see such conditions and they have to try and educate all parties that if it is already a requirement of the ordinance or its not clear wording that can be enforced, staff would like it left out of this list. They can continue to assure the neighborhood that those issues will be taken care of, but not through conditions attached to the zoning.

Vice Chair Collins said to recap, No. 7 is redundant since it is an ordinance requirement. No. 5 would have some impact on the neighbors but GDOT would have the final decision on where an entrance is located. No. 3 is amended to say the existing on-site pond will not be reduced or removed.

This request now contains the following conditions:

- 1) Uses: Residential uses and accessory uses and structures. If approved, use of the property would be limited to the aforementioned uses.
- 2) Development limited to 132 dwelling units plus accessory uses and structures.
- 3) The existing on-site pond will not be reduced or removed.
- 4) The stormwater runoff design will incorporate a filtration system that reduces petroleum runoff from reaching downstream water reserves. Filtration system will be that which is designed for the purpose of removing petroleum pollutants from runoff and will be designed to treat all parking lot stormwater runoff. Once installed, the filtration system will be maintained to manufacturer's specifications.
- 5) No area south of existing house to Hilltop Rd. and no area south and east of existing pond to Hilltop Rd. will be paved or built upon excluding that which may be required by City of Greensboro ordinance.

Mr. Gilmer moved acceptance of the revised conditions, seconded by Mr. Schneider. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None. Abstain: Wolf.)

Mr. Coker said Connections 2025 recommends this area be six to 12 dwelling units per acre. It is adjacent to Painter Boulevard. There are a couple of streams and the on-site pond on the land and it is subject to the Lower Randleman Watershed Requirements, which are some of the strictest in the State.

The Class A apartment complex will have 132 dwelling units, which is a density of about nine units per

acre. For illustrative purposes only, he presented a picture of Ansbury at West Market Street, a preliminary site plan, which shows approximately nine acres being left undeveloped out of a 15-acre tract of land. They have approached Greensboro Parks & Recreation about donating this land to the City to be a City Park.

Dick Barrens, 22 Forest Lake Circle in Sedgefield Lakes, said they were endorsing the project. However, they were very concerned about the conditions that were approved and grateful for that. The lake is their main concern. The City has gone to great lengths to protect the quality of the water, but all the work being done around the area has impacted the land unfavorably.

No other speakers wished to speak either in favor of or in opposition to this request and Vice Chair Collins closed the public hearing.

Mr. Hails said, as noted, the requested development, 132 dwelling units on 15-plus acres, fits within the guidelines of the moderate density residential classification in the GFLUM of the Comp Plan. In addition, other Comp Plan policies of giving choices and diverse housing selections in parts of town are also supported. They also think that the conditions added to this request ensure compatibility with the surrounding area. They recommend approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman.

Mr. Kauber commented that a month ago, the developer and Sedgefield Lakes Neighborhood were at an impasse. The Commission granted a continuance and the benefits are clear. He felt that the developer and Sedgefield Lakes Neighborhood were to be commended on taking the time and effort to resolve the issues.

Vice Chair Collins called the question. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None. Abstain: Wolf.)

Vice Chair Collins turned the meeting back over to Chair Wolf.

Chair Wolf said Items B and C would be heard together since they related to the same property.

- B. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – CORPORATE PARK WITH THE FOLLOWING CONDITIONS: 1) THE FOLLOWING USES ARE PROHIBITED ON THIS PROPERTY: ANIMAL FEEDER/BREEDER OPERATIONS; MINING AND QUARRYING; CONSTRUCTION TRADES; MANUFACTURE OF: CHEMICALS AND ALLIED PRODUCTS, DAIRY PRODUCTS, FATS AND OILS, LEATHER TANNING, MEAT AND POULTRY PACKING, PAPER AND ALLIED PRODUCTS, PETROLEUM AND RELATED INDUSTRIES, PRIMARY METALS, RUBBER AND PLASTICS, CONCRETE PRODUCTS; HAZARDOUS WASTE STORAGE OR TREATMENT; JUNKYARDS AND AUTO WRECKING; PETROLEUM BULK STATIONS; TERMINALS OR MAINTENANCE FACILITIES; AUTOMOTIVE DEALERS, TRUCK SALES AND SERVICE STATIONS; FUEL OIL DEALERS; AUTO RENTAL AND REPAIR SHOPS; CAR AND TRUCK WASHES; SANITARY LANDFILLS AND CONSTRUCTION DEBRIS LANDFILLS, EXCEPT THAT ON-SITE CONSTRUCTION DEBRIS LANDFILLS OF LESS THAN THREE ACRES ARE PERMITTED; 2) A NON-DISTURBED BUFFER AREA 100 FEET OFF THE PROPERTY LINE OF ALL RESIDENTS ADJOINING THE SOUTHERN PROPERTY LINE OF THE GOLF COURSE; WHERE THERE IS NOT A**

NATURAL BUFFER, ONE WILL BE CREATED USING ACCEPTABLE PLANTINGS SUCH AS WHITE PINES OR OTHER EVERGREEN TREES OF A SIMILAR NATURE; 3) THERE SHALL BE NO BUILDING CONSTRUCTED WITHIN 200 FEET OF THE SOUTH PROPERTY LINE OF THE GOLF COURSE ABUTTING THE COUNTRY CLUB ESTATES NEIGHBORHOOD; 4) ANY AND ALL LIGHTING WILL BE DIRECTED AWAY FROM COUNTRY CLUB ESTATES; 5) NO BUILDING THAT IS ON THE PROPERTY ADJOINING COUNTRY CLUB ESTATES SHALL BE IN EXCESS OF 40 FEET IN HEIGHT; 6) ALL BUILDINGS BUILT WITHIN THE GOLF COURSE SHALL BE MASONRY OR CONCRETE PREFAB OR TILT UP COMPOSITION. 7) THE PLANTED NATURAL BUFFER OR SIGHT AND SOUND-OBSCURING BERM SHALL BE CONSTRUCTED AND MAINTAINED; TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN THE CP ZONING DISTRICT AND INDUSTRIAL AND COMMERCIAL MACHINERY MANUFACTURING; 2) A NON-DISTURBED BUFFER AREA 100 FEET OFF THE PROPERTY LINE OF ALL RESIDENTS ADJOINING THE SOUTHERN PROPERTY LINE OF THE GOLF COURSE. WHERE THERE IS NOT A NATURAL BUFFER, ONE WILL BE CREATED USING ACCEPTABLE PLANTINGS SUCH AS WHITE PINES OR OTHER EVERGREEN TREES OF A SIMILAR NATURE; 3) THERE SHALL BE NO BUILDING CONSTRUCTED WITHIN 200 FEET OF THE SOUTH PROPERTY LINE OF THE GOLF COURSE ABUTTING THE COUNTRY CLUB ESTATES NEIGHBORHOOD; 4) ANY AND ALL LIGHTING WILL BE DIRECTED AWAY FROM COUNTRY CLUB ESTATES; 5) NO BUILDING THAT IS ON THE PROPERTY ADJOINING COUNTRY CLUB ESTATES SHALL BE IN EXCESS OF 40 FEET IN HEIGHT; 6) ALL BUILDINGS BUILT WITHIN THE GOLF COURSE SHALL BE MASONRY OR CONCRETE PREFAB OR TILT UP COMPOSITION; 7) THE PLANTED NATURAL BUFFER OR SIGHT AND SOUND-OBSCURING BERM SHALL BE CONSTRUCTED AND MAINTAINED; - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF PEGG ROAD BETWEEN THORNDIKE ROAD AND TAM O'SHANTER DRIVE – FOR DEEP RIVER WAREHOUSE, INC. (APPROVED)

**C. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR INDUSTRIAL AND COMMERCIAL MACHINERY MANUFACTURING – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF PEGG ROAD BETWEEN THORNDIKE ROAD AND TAM O'SHANTER DRIVE – FOR DEEP RIVER WAREHOUSE, INC. (GRANTED)**

Chair Wolf said due to the Special Use Permit request, everyone who wished to speak on these items would need to be sworn. He asked everyone who wished to speak on this matter, both for and against, to come up and be sworn or affirmed.

All potential speakers, as well as staff, were sworn or affirmed.

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Tony Lee, 2030 Burton Run Road, High Point, previously sworn, said they have outgrown their current facility in Jamestown. They are bringing jobs from overseas back to the U.S. They will be doing assembly or manufacturing that they currently do not do in their Jamestown facility. In order to do their assembly, they need Light Industrial zoning. Several of the neighbors have come out and taken plant tours so they could express their concerns about noise or lighting and see what they actually do so

they will have a true understanding of what the manufacturing operation is. They will do a face-lift to the

building, and will bring the 100 foot buffer back to its intended posture and maintain it. They are an OEM company, original equipment manufacturer of the undercarriage products. They supply the undercarriage to the heavy equipment industry, such as the Deere-Hitachi Plant in Kernersville and the Kamatsi Manufacturing that is in Chattanooga, Tennessee. Currently they have submitted plans to the State for assistance, GTCC is going to help them in the training process, and, for illustrative purposes only, there will be 50 to 75 jobs they anticipate adding in the next 18 months.

Thomas W. Towns, 702 Woodland Drive, previously sworn, said he served as the commercial real estate agent in this transaction. He mentioned that he and members of his team have spoken to residential neighbors of this property. He spoke to a number of commercial and industrial neighbors and found there to be limited, if any, concern over this rezoning and issuance of the Special Use Permit.

Karen Chandler, 8104 Tamashana Drive, previously sworn, said she was here in a neutral position because she was not in favor of some of the things she saw that could be put there under the proposed zoning, but she was not against what was going to be done. She asked that if these people move out, what would happen; would they still be protected. They know what this company will do and she thought it would be an asset to the community. However, if they were to move out, what would happen to the land?

Mr. Hails explained that the zoning runs with the property, regardless of the property owner. If this rezoning is approved with the proposed conditions, those conditions would stay attached to the property.

In response to a question, Mr. Hails said it would allow Corporate Park uses and only industrial and commercial machinery manufacturing as added uses. You would still have the 100 foot undisturbed buffer along the southern property. Conditions 1 through 7 would all apply to this property, regardless of who the owner is, unless the zoning was changed.

She said her other question was from the staff report under the planning part where it said that for a new industrial use in an area, both light and heavy industrial uses are encouraged for the present and future use. She didn't think there was really any heavy industrial around that area, so they were her only two concerns.

Mr. Ruska explained that that was a comment taken from the City's Comp Plan and that land use classification pertains to a fairly broad area out in that part of the City. It actually may include some heavy industrial uses in other areas.

No one else came forward to speak either in favor of or opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, the GFLUM of the Comp Plan shows Industrial - Corporate Park designation in this area. The use with the conditions attached conforms with the Comp Plan and even exceeds in terms of additional restrictions on the property. Staff thinks this is an important part of our community to create jobs and it does need to be done in a compatible fashion with surrounding properties. Staff thinks that the attached conditions, such as undisturbed buffer, help with that. Therefore, staff recommends approval of the request.

Ms. Shipman moved the ordinance as to Item B, seconded by Mr. Schneider. The Commission voted 9-

0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Haynes moved that the ordinance granting Special Use Permit for the use of this property for industrial and commercial machinery manufacturing be approved based on the following findings of fact: The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns in the proposed use of the property; that the use will meet the restrictions imposed by the applicant as conditions in the rezoning application; the use will not substantially injure the value of adjoining or abutting property because buffer requirements and building setback restrictions, lighting and building height restrictions are already in place and will be carried forth as part of the rezoning of the property; the location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this property is in an area designated as Industrial-Corporate Park by Connections 2025 and this land use classification applies to areas where present or anticipated uses include both light and heavy industrial uses, such as manufacturing, assembly and fabrication, wholesaling and distribution and corporate office and technology parks. The motion was seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

**D. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RM-5 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF MEADOWOOD STREET BETWEEN EDITH LANE AND YOUNG STREET – FOR DAVID J. MARCONE. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

David Marcone, 1312 New Garden Road, said this was probably the last eyesore on Meadowood. It is a small property, bounded on two sides by multifamily. He enumerated some of the potpourri of zonings in the area. This rezoning is in keeping with Connections 2025 of the Comp Plan. The requested rezoning of RM-5 is the lowest density you could get for multifamily. He said the staff report did a good job of explaining the circumstances. It says the area appears to straddle the line between commercial and low residential land use classifications on the GFLUM. Staff feels the RM-5 rezoning would not be in conflict with the Comp Plan. The house immediately beside the subject property was built by him and he talked with the owner, Greg Hilliard.. The owner had spoken with several of the other residents before he had a chance to go into the neighborhood and made Mr. Marcone's name, address and telephone number available to all of them for questions concerning what was going to be done. For informational purposes, the residents were concerned the buildings would be big, two story buildings, which is not the case. At best, this is a duplex type of area. RM-5 will create a better use of the property, more housing availability and is in keeping with staff recommendations for this area. He said this area was originally divided into 50 foot lots. The lot he owns is a 100 foot lot, whereas the house next door is on a 50 foot lot. All RM-5 would allow him to do would be to build as a duplex.

No one else was present to speak either in support of or opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, the GFLUM and the Comp Plan shows this area as commercial immediately

adjoining low density residential. The RM-5 request is multifamily, but is compatible with low density residential and not incompatible with commercial. Staff thinks this proposal is a good transition between the commercial south and east of the site and the lower density residential north and west. He also noted that upon review of this area there might need to be some more GFLUM changes that they might be bringing forward to reflect the condominiums west of the site, but staff believes the request is compatible with the Comp Plan and recommends approval.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

At 3:46 p.m., Chair Wolf called for a 10 minute break.

**E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: LIMITED TO TOWNHOMES, CONDOMINIUMS OR SINGLE FAMILY DWELLINGS; 2) THERE SHALL BE NO MORE THAN 39 UNITS BUILT ON SUBJECT PROPERTY; 3) THE UNITS TO BE BUILT SHALL BE LIMITED TO TWO STORIES IN HEIGHT ABOVE GROUND LEVEL; 4) THE UNITS SHALL BE 80% MASONRY CONSTRUCTION; - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF NEW GARDEN ROAD BETWEEN GARDEN LAKE DRIVE AND PINEHAVEN DRIVE – FOR BETTY A. SMITH. (APPROVED)**

Chair Wolf said Mr. Byrd is recusing himself because his law firm is involved in this matter.

Mr. Gilmer moved that Mr. Byrd be recused from this matter, seconded by Mr. Kauber. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Betty Smith, 28 Dutchmans Pipe Cove, passed out materials for the Commission's information. She recognized the owners of the property. She said the nearby single family detached homes were from six to 50 years old, middle range priced homes, varied styles and exterior materials predominantly of brick. She said the "80 percent masonry construction" statement in the application referred to the exterior of the units. For illustrative purposes, they plan to mirror the community with homes from 1,700 square feet to 2,400 square feet, which would fall within the higher range of homes in this community, thereby negating any negative impact on the homes from a value perspective. The site fronts on New Garden Road with a private gravel road on the west side. They met with the Planning Department and GDOT to see if this could continue to be a private area. The Planning Department deferred to GDOT. GDOT made it clear that they want connectivity in this area and our submittal would not receive their approval without the extension of this road. The City put a turn lane in off New Garden Road into this private dirt road when improvements were done to New Garden. They are certainly willing to work with the City; however, the neighbors have concerns about stop signs, etc. and overall extension of the street. They are fine with whatever direction GDOT goes and would not like to be caught up in this

issue since it is really not relevant to their rezoning. They met with the residents on January 7th and

had good discussions about what was planned and different concerns. The feeling the neighbors left them with was, other than nothing being done, the neighbors saw them as the least of the evils out there. The request is in line with the two most recent citizen and staff studies, the New Garden Corridor Study and Connections 2025. She pointed out suggestions under Sustainable Growth, Residential, Land Use-Mixed Residential Uses, and Housing and Neighborhood sections and explained how this development would fit within those criteria.

Jack Masarie, 3 Garden Lake Circle, said his property backed onto Dr. McCarty's land. As a result of the meeting last week, he is speaking in favor and to say what Ms. Smith said about that meeting is accurate. Like many residents, he would prefer that nothing change. But as change seems inevitable, this plan seems to be the best overall possibility for this property. Progress is not measured by brick, concrete and asphalt alone, but in terms of quality living with privacy and natural beauty.

Celia Borowicz, 1107 Condor Drive, said she did not feel that she was strongly for or against this request. She could say that she agrees with Ms. Smith's remarks that it sounds like it is the best of all worlds, if it has to be changed. Her concern was Jefferson Elementary, which only goes to the 5th grade, and the danger to the young children who walk to school because of the incredible amount of traffic along New Garden at the times they are walking to school.

Speaking in opposition to the request was David Overman, 5411 Garden Lake Drive. He said he was here to document the transformation of New Garden Road for better or for worse from a two-lane pastoral road on the edge of the City to a five-lane highway that is fully developed with multifamily homes and light commercial businesses from Guilford College-Jamestown Road all the way to Battleground. He wanted people to think about whether it was better then or better now.

Andrea Dew, 5704 Country Lane, had four points in opposition to this request. Her main concern is loss of old growth trees. Her second concern is that this new housing is unnecessary. Her third concern is that the increase in multifamily homes will increase the risk for water shortages in a city that is already been prone to drought. Her final concern is that in summary, there is more to be lost than to be gained by this request. The quality of life should come before monetary gain.

Kim Lucas, 1345 New Garden Road, said she lived on the dirt and gravel road, which is actually a private drive. She believes the dirt and gravel private drive will become a 30 foot wide road, which will connect NorthLake Drive and New Garden Road. In 1999, she had asked GDOT about why they had a turn lane onto a dirt and gravel road with only three houses. Mr. Wyrick told her that there were no plans to pave the connection between New Garden and North Lake. She was concerned about the right-of-way, light pollution, speed bumps, traffic flow and how she will back out of her home into a road that was formerly a private drive. Who is responsible to build this road? Will she be responsible for curb and gutter along her property? She would be the only resident left along this private drive.

Mr. Collins advised that the City has the ultimate authority to decide what the street pattern is, so it is out of Smith Marketing's hands. It sounds like this street has been planned since there was land dedicated for that street. In 1999, she should have been told this was a planned street because it was obviously planned, but it may not have been on the schedule.

Caroline Berry, 1343 New Garden Road, said the potential townhomes will be almost in her front yard, two of them backing up to New Garden. She thought the density was entirely too much and that was her opposition. This development will be disturbing an existing single family area. She said the diagram shown coming off New Garden was right beside her house. She thought the density should be only 3

units per acre.

Mr. Collins said the density would be 4.5 units per acre versus 3. The other thing to note is that this is called multifamily, but this is really single family attached housing and is not multifamily for rent housing.

Janet Overman, 5411 Garden Lake Drive, said her home was directly behind where the end comes out. She was opposed to the light pollution that would be generated by this development and another one that was previously approved.

In rebuttal, Ms. Smith said they did attempt to call and talk to the adjoining property owners. She talked to Ms. Berry in early December. They made two telephone calls and left messages with the other lady who spoke. So they did make an attempt and they did have the community meeting and used much the same number the City did of 600 feet for the notices that they sent out. Speaking to the site plan, the plan is for the back area to contain the detention devices so a building is not planned in that area. Subject to approval of GDOT, they would come along the extension of North Lake Drive and she believed the entrance is across from the entrance to Ms. Berry's house, which is where her garage would be, so it would not actually be in her back yard. They will share the cost of the improvements on North Lake Drive for all the portion that joins their property. Brown Investment has already paid for the portion that they did in 1987.

In response to a question by Mr. Kauber about the possibility of rescheduling the meeting, Ms. Smith said she really felt that on the night of the meeting they had talked through the issues. In the letter that they sent out, they gave a telephone number that anyone who had any concerns could call. They offered to meet at any time on their schedule. So there was opportunity to have discussions even if individuals could not attend the meeting.

There was no one else wishing to speak in rebuttal. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of the Comp Plan calls for low density residential in this area; that is three to five dwelling units per acre. This request is under five units per acre and, therefore, is conforming. The Plan also calls for diverse housing types and compact development in all parts of the City. The area is close to institutional use in the Comp Plan, as well as low density residential. New Garden Road it is a major thoroughfare. There is mixture of some existing uses, institutional, as noted, and some multifamily. Staff believes the conditions attached to this proposal aid in its compatibility, both in unit type as well as the increased buffers that would be required. A minimum of a 20 foot landscape buffer is required between multifamily units and single family units. As such, staff recommends approval of this request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman.

Mr. Haynes stated some of his objections to this request. Chair Wolf gave his well-known opinion on townhomes. Mr. Collins shared Chair Wolf's opinion that this was a good use for the property. Mr. Gilmer said he would be supportive and gave his reasons for doing so.

Chair Wolf called the question. The Commission voted 7-1-1 in favor of the motion. (Ayes: Wolf, Collins,

Shipman, Gilmer, Schneider, Kauber, Spangler. Nays: Haynes. Abstain: Byrd.)

Chair Wolf said Items F,G and H would all be taken together.

- E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND RS-40 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RS-12 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITION: 1) USES: LIMITED TO SINGLE FAMILY DETACHED RESIDENCES; - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF INTERSTATE 40/85 AND YOUNGS MILL ROAD – FOR PIERRE A. GORIA ET AL. (FAVORABLE RECOMMENDATION)**
- G. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES: ALL THOSE USES PERMITTED IN THE CORPORATE PARK DISTRICT, TOGETHER WITH THE FOLLOWING: MANUFACTURING AND INDUSTRIAL USES: RUBBER AND PLASTICS, MISCELLANEOUS DRUGS, ELECTRICAL COMPONENTS, ELECTRICAL EQUIPMENT, ELECTRICAL INDUSTRIAL APPARATUS MANUFACTURER, FABRICATED VALVE AND WIRE PRODUCTS, FOOD AND RELATED PRODUCTS, MISCELLANEOUS; FURNITURE FRAMING, FURNITURE AND FIXTURES ASSEMBLY, FURNITURE AND FIXTURES, HEATING EQUIPMENT AND PLUMBING FIXTURES, LIGHTING AND WIRING, METAL FASTENERS (SCREWS, BOLTS, ETC.); RETAIL TRADE: BUILDING SUPPLY SALES (WITH STORAGE YARD); TRANSPORTATION, WAREHOUSE AND UTILITIES: MOVING AND STORAGE SERVICES WAREHOUSES (SELF-STORAGE); 2) ANY OUTSIDE STORAGE SHALL BE SCREENED FROM VIEW FROM ANY PUBLIC ROADS OR RESIDENTIAL AREAS; 3) THAT WITHIN 800 FEET FROM THE SOUTHERN MARGIN OF INTERSTATE 85-40, ALL OF THE REQUIREMENTS OF THE SCENIC CORRIDOR OVERLAY DISTRICT II SHALL BE MET EXCEPT THAT THE ONE EXISTING BILL BOARD PRESENTLY LOCATED ON THE PROPERTY CAN BE RETAINED; - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF INTERSTATE 40/85 BETWEEN YOUNGS MILL ROAD AND MCCONNELL ROAD – FOR PIERRE A. GORIA ET AL. (UNFAVORABLE RECOMMENDATION)**
- H. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITION: 1) USES: ALL THOSE USES PERMITTED IN THE HIGHWAY BUSINESS DISTRICT EXCEPT THE FOLLOWING: JUNKED MOTOR VEHICLES; LAND CLEARING AND INERT DEBRIS LANDFILLS, MINOR; - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF MCCONNELL ROAD AND HOOTING HOLLOW ROAD – FOR PIERRE A. GORIA ET AL. (UNFAVORABLE RECOMMENDATION)**

Chair Wolf said Mr. Byrd's law firm represents the applicant so he had requested that he be recused from consideration of these requests.

Ms. Shipman moved that Mr. Byrd be recused from these requests, seconded by Mr. Schneider. The

Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject properties, as well as surrounding properties. He also presented slides of the subject properties and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, represented the applicant in these original-zoning requests. The property described by Mr. Ruska is owned by multiple persons and encompasses about 150 acres of primarily undeveloped land. The development will be mixed-use, corporate park, some residential and some local service retail, which would be the best utilization of the property. They would like to add one condition to the CD-RS-12 request (Item F). He would add Condition 2): The property will be developed in a manner that one of more streets will be connected with those in the Candace Ridge Development.

Mr. Gilmer moved acceptance of Condition 2) being added to Item F, seconded by Mr. Kauber. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

Attorney Melvin requested conditions be added to the CD-HB request in Item H. He said each Commissioner, Mr. Hails and Mr. Ruska all had copies of the Conditions. Those conditions address some development considerations, aesthetics, architectural features and also assure that it is a local service-type Highway Business development.

Mr. Schneider moved that the CD-HB conditions referred to by Attorney Melvin be added by reference to Item H, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

Attorney Melvin said the three requests should be considered together since the owner wants to have a unified development site plan processed by the City so that all three of the different uses will be developed in a consistent and compatible manner. Gary Hill of Westminster Fortis Homes, now known as K Hovanian, will explain some of the concepts for the development of the residential portion. There is almost 100 acres of the LI. There is in this area a lack of what economic developers would characterize as "ready to go" industrial, manufacturing or sites of that nature. By that they mean something that is properly zoned, has water and sewer available and is ready for development.

A good deal of thought has been placed in the formulating of the conditions for the purpose of assuring a development that will be aesthetically pleasing and attractive from I-40/85 from which it will be visible. People coming into this area looking for sites of the Corporate Park type will be attracted to this particular property. There have not been a lot of local service-type restaurants or grocery stores serving the immediate area. The conditions do place limitations that would prevent non-local service type development. He had placed on the monitor a very conceptual plan that will show some of the green areas that will have to be left undisturbed as a part of the perennial stream protection, etc. It will also provide some separation between land uses.

They have had some individual contacts with people in the community and had a meeting with people in the community and, as usual, there is a connectivity issue. GDOT has indicated that they wish to have an east/west connector between Youngs Mill Road and McConnell Road. Kimley Horn has done a Transportation Impact Study (TIS) in the area and their representative is present to answer any

questions. This is an annexation that has been favorably recommended by the Planning Board and will

have to go to Council. The LI portion will create jobs. The Residential area will provide an ideal area for people who want to be able to walk to work. The HB area will afford some local retail/commercial services to the residents of the area.

Gary Hill, vice president of K Hovanian Homes, 2706 North Church Street, identified certain features of the plan, which is still in the engineering stage. The residential portion of the property is about 33.8 acres. He pointed out the access from the existing Candace Ridge Neighborhood and an access point on Youngs Mill Road. There is no direct connection between the proposed zoning here and the LI district. He pointed out the area that will be left as open space which contains around 9.6 acres. Historically, there had been a pond, but it had been abandoned over the years and would be used for storm water runoff maintenance and management. There is about nine acres here that will be used as a buffer area for both the LI and residential areas. The residential is compatible with the existing areas. Plans are to extend the Candace Ridge Development into this area, but that plan is also still in the engineering stage. They held an open house with the neighbors and gave them an opportunity to ask questions.

Joe Daniels, 4605 South Hall Drive, said he was opposed to the Commercial and LI zoning because of the impact on the privacy of their neighborhood. He presented petitions in opposition to the requests.

Jarrett Tapp and wife, April Tapp, 1622 Candice Ridge Drive, said they are not for or against the RS-12 development. Their objection is to the LI zoning under Item G since it was adjacent to their neighborhood. They want to know how the traffic from the LI portion is going to affect that neighborhood with the children, what type of pollution, if any, would come from the LI. He noted that it could be anything such as a rubber manufacturing plant that gives off pollution and how would that affect that area. Why would you put an industrial area in the middle of an existing neighborhood? They received no notification or phone calls from K Hovanian or their Neighborhood Association. Had it not been for Mr. Daniels, none of them would have ever known about this.

Alice Tapp wanted the Commission to consider the value of their homes. She truly believed that the commercial business coming into their neighborhood is going to devalue their home. Her husband and she were newly weds and selected their home as a good place to raise their future children.

Peter Palmer, 1606 Hooting Hollow Road, said he had concerns about the traffic impact, if a road were extended to Land Road. If this happens, he would be in a high traffic area. Now he will have something like 11,000 exits and entries into this area per day, which is a lot different than six or seven cars per day going up and down that road. In looking at the green area, he knew there was another perennial creek that is not shown. It runs right behind his property. That creek is sometimes over two feet deep because of runoff and it goes under Land Road. He didn't believe they would be able to regrade that property to make that water go away. Neither he nor his neighbor received any notification of the meetings. It seems the addresses used were at least two years old. He asked what other opportunity would they have to speak to this matter. He also thought this request would devalue his home.

George Summers, 5601 Southall Drive, said he was opposed to the extension of Southall through that development. There were about 13 children in his immediate vicinity and the road would have a very steep hill with about a 15 foot drop. He was concerned about the safety of the children.

Mary Grubbs said she had signatures from residents of Land Road, Hooting Hollow Road and McConnell Road opposing these rezonings. Her concern was for the elderly persons in their neighborhood who walked daily. They feel the business district will raise the crime rate. They received

no notice of the meetings. She felt this would not meet Connections 2025 because they are talking

about manufacturing or an industry that will jeopardize their home, their safety and well being in that area. What surprised her was their wanting to put a business district right next to a trailer park, which is loaded with children that are constantly out. These children are not picked up for school in the trailer park, but are picked up from McConnell Road. The increased traffic will jeopardize the children's lives.

John Watkins, 1603 Hooting Hollow Road, said he had a lot of concerns that the other speakers have. At the meeting yesterday, they were told that the LI district would be office. The uses listed under the LI zoning include manufacturing use, rubber, and plastics, and others. They were concerned about possible chemical spills, odors, etc. What will it do for the City as far as fire, the nearest HAZMAT team and police. The road is tar and gravel and will not support the increased traffic. Whose expense will it be to upgrade the road?

Dean Driver, 4701 Land Road, said his property borders the southern side of the proposed LI area. The notification they received from the developer only involved the property described in Item F and they thought this hearing would only address that item. They received the letter from the City last Monday. He was concerned about the possible connection between Land Road and Southall Road. His concern was not the plan, but the process. He suggested they do this at a later date when they had had time to get their opposition or support of this project to coalesce.

David Bain, 1605 Hooting Hollow Road, said on his property was a farm pond and a lake, all natural spring fed. There is a plastics plant down the road and they were cleaning shopping carts. The chromium nitrate, which they used to clean the carts, got into the water supply. They do not want a plastics plant or chemical plant to come into their neighborhood and destroy their way of life.

In rebuttal, Attorney Melvin said there was a question of can you put housing in the LI area. Housing cannot be put in a Light Industrial Zoning District. The zoning conditions that have been put on this property have been designed to make it compatible with the people who already live in that area. He thought the concept of this was a Mixed Use-Corporate Park Development. The connectivity issue is very difficult. They have committed to the folks with whom they have talked that they will look at that with Kimley Horn and with GDOT to try to evolve a plan that will meet GDOT's objectives for good transportation planning with the people's objectives who live there.

Gary Hill wished to expand on Attorney Melvin's comments and the comment he made earlier about compatibility. In many mixed-use developments there is contained a residential element. When the industrial or those uses that are not residential have some restrictions on them, both from a use standpoint and from an architectural or aesthetics standpoint, they believe that the residential does become compatible with the Light Industrial uses and the Highway Business uses.

Ms. Shipman said she was looking at the time they had to share with the neighborhood on their questions and concerns. She thought, if possible, they could talk with the neighborhood and get a better understanding and bring this back.

Mr. Hill said they would certainly entertain the idea of sitting down with them and actually going through the plan and actually talking about some of these things. He thought he might share some of the same concerns that the neighbors might have about the connectivity also. He apologized if there were some people that they missed in their notification.

In rebuttal for the opponents, Tony Courtney, 1604 Hooting Hollow Road, said his property was about 80 feet above the 100 acres of Light Industrial. He wanted to know how they would screen that from his property. Would they plant 100 foot oak trees immediately? The only people in this room who do not

make money off this project are the residents. He had lived in his home a year and a half and had not received any notice.

John Watkins said he was not familiar with these procedures, but he had three documents that said, "City plans." This is for Section H, Section G and the other one. Each of them says, "Guilford County's Northeast Area Plan shows this property to be a combination of residential for the western and southern portions of office or else Light Industrial. Each one of them says the same thing. How could he be told that this isn't going to happen if he sees it in writing by the City Planners? If someone had taken the time to explain to the neighborhood what they wanted to do, he thought they would have found a lot of agreement.

Jarrett Tapp asked what keeps someone from coming back 10-20 years from now and asking for a petition to go heavy commercial? He did not think too many people were opposed to the residential, but just not the businesses. If the City is going to annex this why can't they have a portion of that land dedicated as a park?

Chair Wolf closed the public hearing.

Mr. Hails said this is a big proposal. Staff is certainly aware of that and certainly sympathized with any citizens who were trying to play catch up and understand it all. Staff had been talking to the folks involved for a while and he would start by giving a little more background about how the City sees this fitting in with its long range plans and the Comp Plan. What you see on the screen is the GFLUM that was adopted a year and a half ago with their Connections 2025 Comp Plan. He thought one thing that is worth pointing out is while they obviously have a lot of employment out by the airport, we don't have balanced growth. So a major theme of the Comp Plan was to try and find places in the eastern part of the City and County where they could encourage more employment development. The City is very concerned about trying to create more job opportunities in the eastern part of the City so we can have can have opportunities for jobs in all parts of the City and not have forced long commutes and so on. He mentioned the plan does show low density residential on the western part, which is Item F, and then Mixed Use-Corporate Park on the eastern part. Staff's discussions with the developer on this was how to achieve Corporate Park. They were interested in trying to keep a wide variety of land open to accommodate future efforts to develop the site. Staff felt like the restrictions they made in the Light Industrial area, allowing Corporate Park uses and a limited array of industrial, would be more compatible with some of the surrounding non-industrial uses. So staff took a very close look at that list. You don't see chemical plants, you don't see heavy industrial uses on there. The general nature, staff feels, will be what you see as you drive out along the Interstate in the eastern part of the County towards Alamance County where a condition added development standards along the south side of the Interstate so the view from there is going to be attractive. In addition, one other thing he wanted to point out for the folks on the Land Road and Hooting Hollow area, staff certainly appreciates the major transitional land uses that are proposed here. When industrial uses are up against residential uses, there is a mandatory 50 foot landscape buffer that doesn't block views in all cases, but it is the most substantial buffer we have. It does require large trees, small trees and shrubs within that planting area. Ms. Reeves could go into more detail from GDOT, but staff was trying to balance out the desire to have cross traffic flow, to have a route where someone could get from McConnell to Youngs Mill without having it as a major thoroughfare that was going to disrupt all the residential around there. The general expectation, as staff understands it, is that the non-residential that might go in this park is going to access McConnell and the residential on the west side is going to access Youngs Mill. It is still important to have some connections through there for school bus, trash truck, emergency vehicles and the like. We don't want a lot of dead end roads that make it hard to get around, but the intent of the

traffic flow through here, as he understands it, is not for a major thoroughfare, not generating lots and

lots of trips. You can go north to McConnell Road north of the Interstate and get across through there. There are alternate routes. So in summary, staff certainly realizes this would be a major transition for the surrounding property owners and he sympathized with that. At the same time, they are trying to implement the Comp Plan and find areas for Mixed Use-Corporate Park job concentrations, but with restrictions on the heavy uses so they could be reasonable neighbors with the type of buffers staff is talking about. The Comp Plan shows low density residential to the west and Item F fits with that. It calls for density of three to five units per acre and they fall within that. You saw on the other map that was up earlier there are some green spaces that separate the residential to the west and the proposed non-residential to the east. That is in keeping with the plan and also provides some separation of uses there as well. Overall, staff feels the request tries to fit in with our adopted plan. Staff feels like requiring buffers around the area and anticipated traffic flow tries to minimize impacts on surrounding residential. It certainly does impact them, but because of those conditions attached to the property that try and limit the use and the buffers, staff is recommending in favor of the request.

Mr. Gilmer moved the ordinance for City CD-RS-12 zoning with conditions, seconded by Mr. Schneider.

Mr. Kauber said he thought there was a massive failure in implementing here and he commented about all three items.

Chair Wolf said there was a motion on the floor. The Commission voted 6-2-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Spangler. Nays: Kauber, Haynes. Abstain: Byrd.)

Mr. Gilmer moved the ordinance for original zoning to City CD-LI with conditions, seconded by Mr. Collins.

Mr. Gilmer commented on the lack of balanced growth in East Greensboro and his efforts to get growth with jobs to come to this area.

Ms. Shipman commented on some of the change coming to East Greensboro. She disliked the lack of communication between developers and residents.

Mr. Gilmer said Greensboro had a Comprehensive Plan now and a lot of people might forget this, but they had a lot of community involvement. They went out into the communities, including East Greensboro where they had two or three meetings there and people came out and spoke about the needs of East Greensboro and lack of amenities in East Greensboro. So that is why you now have developers that are coming forward with proposals and we have staff's support. Formulating the Comprehensive Plan involved two and a half years. He pushed for the extended meetings in East Greensboro because citizens did not show up. They also did the same thing in South Greensboro too so that more residents could come out. Maybe this will be a comment for the other citizens of Greensboro. If you hear of something that is happening in Greensboro, please come out and support it. This proposal was in the newspaper over a month ago.

Mr. Collins said he was really divided on this one and made a few comments, especially with the LI portion, which is being called Corporate Park. He said he would not be supporting this part of the rezoning because of the uses that are in there that are LI uses. If it were straight Corporate Park, he didn't think he would have the concern he does. But he wanted it to be noted that this is not a real strong opposition to it.

Chair Wolf said he agreed with Mr. Collins. He would not support this as well because of the LI uses.

He called into question the next item as well because he wondered if they should even be approving a commercial use next to this if, by chance, we turn down this Corporate Park-LI type use.

Chair Wolf said there was a motion on the floor. The Commission voted 2-6 in favor of the motion, thereby defeating it. (Ayes: Gilmer, Schneider. Nays: Wolf, Collins, Shipman, Kauber, Haynes, Spangler. Abstain: Byrd.)

Mr. Gilmer moved the ordinance on the original zoning to City Conditional District-Highway Business with conditions, seconded by Mr. Collins. The Commission voted 2-6 in favor of the motion, thereby defeating it. (Ayes: Gilmer, Schneider. Nays: Wolf, Collins, Shipman, Kauber, Haynes, Spangler. Abstain: Byrd.)

Chair Wolf said there would be a 10 minute break.

**L. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) THE PROPERTY SHALL BE DEVELOPED AS A UNIT UNDER ONE UNIFIED DEVELOPMENT PLAN WITH THE PROPERTY CONTIGUOUS AND TO THE SOUTH OF THE PROPERTY; 2) ACCESS WILL BE PROVIDED THROUGH THE PROPERTY TO THE SOUTH; TO CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) THE PROPERTY IS TO BE DEVELOPED FOR THE SAME USE AS THE PROPERTY LOCATED CONTIGUOUS TO AND WEST OF THE PROPERTY; 2) ACCESS SHALL BE PROVIDED THROUGH THE PROPERTY TO THE WEST; 3) NO OUTDOOR ADVERTISING SIGNS (BILL BOARDS) WILL BE ALLOWED ON THE PROPERTY; - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF INTERSTATE 40 EAST OF BRIDFORD PARKWAY – FOR WENDOVER SOUTH ASSOCIATES LIMITED PARTNERSHIP. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Michael Fox, Esq., 228 West Market Street, represented the applicant. This is a straightforward rezoning request. Originally this piece of property was part of the shopping center overall master plan, which includes the Wal-Mart and Sams Club. It was envisioned by the developers that this piece of property would eventually be used in conjunction with those properties. Wal-Mart and Sams were never really interested in that, but the original conditions on the original zoning when it came in from the County to the City were that it was to be developed in conjunction with the property to the south, which is Sams and Wal-Mart, and also access was to be through the property to the south. What they essentially did was change the orientation from the south to the west and changed the conditions so that it would be developed in conjunction with the business to the west, which is the auto dealership and provide for the access to be from the west through the auto dealership. They added an additional condition that there could be no billboards on the property. They had to go from SC to HB since auto dealerships are allowed in HB, but not in SC.

No one else wished to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said from the standpoint of the Comp Plan, both existing and proposed zoning classifications

are conforming with the commercial designation. This is felt to be an important commercial area for the entire City and the request conforms with the Comp Plan. Staff thinks some of the additional conditions help it fit in as well and staff recommends approval of the request.

Mr. Kauber moved the ordinance, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

**J. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND RS-30-MH RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO ALL SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL USES PERMITTED UNDER THE RM-8 ZONING DISTRICT; 2) NO BUILDING SHALL EXCEED 2 STORIES IN HEIGHT AS VIEWED FROM THE FRONT; - FOR A PORTION OF THE PROPERTY LOCATED NORTH AND WEST OF MCKNIGHT MILL ROAD NORTH OF THE TERMINUS OF DESMOND DRIVE AND CHICORY LANE – FOR CLAY REDDING. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Diane Brigman represented Spring Lake Development. Their request today is the establishment of original zoning for this property from County RS-30 to City Conditional Use District RM-8 Residential Multifamily. It is their intention to develop this property in accordance with Greensboro's RM-8 guidelines with the conditions that it will be limited to no more than 175 townhomes designed for sale, and that no building will be more than two stories in height. She thought that the limitation of 175 townhomes designed for sale would be an additional Condition No. 3 that they were asked to put on this property. The access to this property will be Chicory Lane and Desmond Drive to the south and to the north they will be connecting with a future road that is proposed there in the Old South Development. This property will be a compact residential community and they feel it will be a continuing enhancement to this growing area in Northeast Greensboro and will be in sync with the GFLUM.

Mr. Collins moved acceptance of Condition No. 3: There will be no more than 175 townhomes designed for sale, seconded by Mr. Haynes. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

No else came to speak in favor of or in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM for this area calls for moderate density residential that is conforming with this request. Staff would note that there are some street access connectivity issues that are unresolved and which will presumably need to be worked out at the time of site plan review. Because they have had a rezoning recently north and southwest of this site, it gives them the ability to try and link the projects together a little better. On the basic request, including the added condition, staff recommends approval.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays:

None.)

**K. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOMES FOR SALE AND RELATED USES (E.G. HOMEOWNER AMENITIES); 2) TOWNHOMES WILL BE CONSTRUCTED SUBSTANTIALLY OF BRICK, MASONRY, GLASS, WOOD OR STONE; - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF WIMBERLY DRIVE SOUTH OF ELLENWOOD AT THE TERMINUS OF WESTLAND DRIVE – FOR JACK CLEARY, JENNIFER CLEARY, JANICE WALTERS AND RALPH TIPTON. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, handed up materials for the Commission's consideration. He represented the owners of the property, the Cleary Family. He had some additional conditions that he would like to read into the record and propose for inclusion in their application. The first additional condition is a modification of the uses condition and now reads: 1) Uses: Townhomes designed for sale and related uses (e.g. homeowner amenities). Next they would add a new Condition 3, which would say: 3) Townhomes constructed on the subject property shall not exceed two stories in height. A new Condition 4: 4) The planting rate within the buffer area adjoining the properties along the northern line of the subject property shall be of the Type B buffer planting rate. A new Condition 5: 5) Substantially all the townhomes built on the subject property shall have an attached garage. The illustrative site plan that you will see in a minute was designed or sketched before they had some discussions with GDOT staff. After those discussions, he thought they have learned that there is likely going to be an entrance to the property off of Prey's Street and that would likely cause a reconfiguration of the site plan. There is, therefore, according to their engineer, a possibility that one of the units may not be able to have a garage because it would have to be turned to accommodate that entrance off of Prey's Street.

Mr. Hails said staff would like to raise the issue that they were the ones that, were this to be built and were they to leave off a garage or two, would have to interpret "substantially" in condition No. 5. They would feel more comfortable if the issue is one or two of the units possibly not having a garage, putting a 90 percent or some more quantitative measure that would be less subject to argument down the road.

Attorney Isaacson said they would be amenable to that and you might say, "All townhomes, except for possibly no more than two townhomes, shall have an attached garage."

Mr. Schneider moved acceptance of revised Condition 1) and new Conditions 3), 4) and 5), seconded Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Attorney Isaacson stated the purpose of the application was to build no more than 27 townhomes that would be attached single family homes designed for sale. This is a true infill project in the City. He

pointed out an illustration of the type of townhomes that the applicant intends to build. They will each have at least an attached garage. This limits the townhomes to a height of two stories. For illustrative purposes only, the anticipated listing price for each of these townhomes would be between \$210,000

and \$250,000. He referred the Commission to the preliminary site plan sketch. As he mentioned, it does not show the entrance off of Prey's Street. He believed that the one or two units that are near Prey's Street would have to be reoriented to provide for access from that street. The intent then would be to have access from Prey's Street and Wimberly Drive, but that would be a site plan issue. He referred the Commissioners to four pictures that illustrate adjoining properties. They had a meeting last week with certain neighbors. They met near the property and heard certain concerns so the conditions he added today were a result of listening to those concerns and trying to address them.

In response to a question from Mr. Byrd, Attorney Isaacson said if the entrance will be off of Prey's Street, it is contemplated that the entrance off of Wimberly would be retained.

Linda Soffert said she was with Allen Tate Realtors. They had been involved in several projects involving townhomes. One thing she could say is that the value of the townhomes when they come into this type of neighborhood actually supports and sometimes improves the market value overall for the neighborhood. Most of the users of these townhomes come from the neighborhood.

Matt Weatherford, 608 Wimberly Drive, said he lived across the street from the subject property and represented their community in opposing this rezoning. He passed out copies of a petition opposing this rezoning with 146 signatures. He read the subject of the petition: "We the undersigned are concerned members of Hamilton Lakes Neighborhood. While we understand that some form of the subject lot is inevitable, they strongly believe that any addition to the existing neighborhood should be consistent with the neighborhood's established character. This is a 40 year old established neighborhood. The developer's rezoning application is not. We further believe the developer's rezoning application conflicts with the City's Comprehensive Plan, which seeks to ensure that new projects meet the standards of compatibility and quality that protect and support the integrity and character of established neighborhoods. We oppose rezoning of the subject lot for the following reasons: The proposed rezoning is inconsistent with established neighborhood of single family homes. The proposed rezoning from RS-12 to RM-5 will greatly increase the traffic flow in a quiet neighborhood that lacks sidewalks where many children live and play. The proposed rezoning seeks to place higher density townhomes on a lot that is literally surrounded by single family homes, thereby introducing an undesirable and an aesthetic displeasing hodge-podge variety of lot sizes and setbacks. In the instances where townhomes and apartments have been allowed along Muirs Chapel Road, those developments are not surrounded by single family homes, but instead have a direct access to a much larger street. The proposed rezoning will interrupt a very stable community that has been in existence for over 40 years. The proposed rezoning would bring about a devaluation of property values." He said he had also talked to several real estate agents, including the one from whom he bought his house 10 years ago. She had informed him that it would devalue their property especially on his street where they are talking about opening right across the street from him the entrance to this property. "The proposed rezoning would decrease the neighborhood's character, curb appeal and market value." Curb appeal has a lot to do with reselling your house at some point in time. They are all concerned about that in their neighborhood. "We respectfully request that the Zoning Commission allow our neighborhood to remain an established character by denying developer's rezoning application and stay at RS-12."

Tom Noble, 606 Wimberly, said his home was next door to Mr. Weatherford and across from the subject property. He said it made sense for the Commission to adopt the staff's report to have an entrance off of Prey's Street. As previously laid out, all of the traffic for this development would be

routed the furthest route possible through the existing neighborhood. He felt that simply did not make sense. On their petition, there are many residents who have lived there for years. As a new homeowner in Greensboro who looked at neighborhoods, one of the great selling points of this neighborhood is the

tree line. The developer submitted a condition that the tree line be maintained along the northern border. He would also suggest that it also makes sense to have it along the eastern border, which runs along Wimberly.

Marilyn Simpson, 1109 Montpelier Drive, said her main concern was storm water runoff. She has no problem with infill and thinks this is a prime location for infill. She signed the petition, but told the lady she was not totally against it. She pointed out her house. Down to the right another block is Lake Hamilton, which is a fairly large lake. They have had a lot of problems with rainwater runoff ever since Wimberly Drive was extended. The City finally agreed that they did have a problem. Their remedy for that was to put in a dry creek through the back of her neighbor's yard and her yard. A pipe was put beside her house and runs down to Montpelier Drive and gets into the storm drains there that dump into Lake Hamilton. Now if more buildings are going to be put in and lots of concrete, there will be a lot more water coming down Wimberly Drive. She would like to be sure that the City puts a storm drain in there and drains that water off some place else, but not onto her property and not into Lake Hamilton.

Charles Tedder said he lives relatively close to this area. He had a letter from a neighbor who was not able to attend the meeting. She lives at 5000 Lancaster Drive. He read her letter aloud. Her major concern is that placing 27 units at this location will increase the vehicular traffic primarily on Wimberly Drive. Wimberly has much pedestrian traffic, including children, but has no sidewalks. The pedestrian traffic uses Wimberly to access the walking trails and public spaces around Hamilton Lake. She objected to the increased traffic on Wimberly. The letter was signed by Darlene S. Hunt. He passed the letter up to the Commission as an exhibit. He lives within a block and a half of the subject property and nowhere within the area or anywhere near this area is there any multifamily dwellings of any sort. He objected to the additional traffic on Wimberly. This does not appear to be in keeping with what their community has been for all these years.

Mr. Kauber asked all the persons speaking in opposition if they were involved in meetings with the developer? What kind of interaction has there been between you and the developer?

Mr. Tedder said they met with the developer and Mr. Isaacson on Friday afternoon at the site of the property. He was called by some adjoining property owners who told him they would have the opportunity to speak with the developer. That was the first time he was given that opportunity.

Mr. Weatherford said their concern in the neighborhood is what is intention and what is done. He had strong concerns about there being a cut through. He was concerned with the increased traffic because of the children in the neighborhood. He was not opposed to development, but would prefer that it be at RS-12. He was not at the meeting on Friday. He was one of the persons getting signatures on the petition. He would say 95 percent of the people to whom he talked to, only the people adjoining the property, not the neighborhood, got any kind of letter.

Mr. Byrd said one of the concerns was that this would become a cut-through. You understand that even if they developed this as single family detached residences that that same issue would be present.

Mr. Weatherford said it depends on how you connect the street. If you connect Wimberly into it, yes, it would be a concern. If you come off Prieys, it won't. As to the water at the dead end of Wimberly, there

is structure in there to handle that water. When there is a heavy rain as it was a couple of months ago, it floods the back of that street.

Mr. Byrd said he understood those concerns. As had been mentioned before, the Zoning Commission

is not the appropriate body to consider those concerns. He did see on the sketch plan that it appears that they have shown surface water being piped off site through underground drainage pipes. He was not sure where it would go.

Mr. Hails said there was a comment in the staff report that possibly on site detention might be required by Storm Water.

Chair Wolf said the odds are that if it were done as traditional single family like your neighborhood, he knew of no dated neighborhood of that small a size putting in regular single family homes. Odds are you would have your streets connected up if this were done as single family traditional lots like you have. If anything, there will be less connectivity by being a townhouse association with private roads.

In rebuttal, Attorney Isaacson said that he did not think the concerns that the Commission had heard are uncommon for a situation like this. As to the increase in traffic, Ms. Reeves with GDOT was present and she could answer your questions as well as anyone. He submitted that the impact of a townhome development is going to be less than a single family development of comparable size. Higher density and a hodge-podge of apartments were mentioned. He submitted that this was an opportunity to have uniformity, where a single family detached development may lead to a hodge-podge of homes there that would have no regulation, no control. This will have a legally enforceable and binding set of restrictive covenants, a homeowners' association maintained in accordance with City rules and regs that will have to enforce all of the City's controls on a development such as this. Storm water runoff was a concern. Mr. Glass, who is the engineer for the project, is here and has confirmed that the project will have underground drainage and will drain towards Muirs Chapel Road. We just heard a general opposition to a multifamily development. He would stress to the Commission that these are attached single family homes that are designed for sale. There are conditions that talk about the quality of the project. They are legally prohibited from putting in a condition as to exactly what will go on the property. He cannot put a condition in there about a sales price. He cannot put a condition in there that says it will be exactly like this. What they have tried to do here is build in sort of an infrastructure of terms and conditions that will give the Commission and the adjoining property owners that assurance, that comfort factor, that what you have seen will be built on the property. People who are professors or administrators at Guilford College would be a target market for this area. They have high expectations as to what these townhomes will be, as will the other people who are attracted to this because of its location. Traffic is an issue that will be carefully reviewed in the Technical Review process.

Debra Vincent, 604 Wimberly Drive, said she liked their plan that the water drains over to Muirs Chapel. She was not in opposition to this plan. It looked like they had done a good job taking into consideration the Prey's Street entrance. She was pleased that all the traffic would not filter onto Wimberly because of the children. She felt the builders had addressed all the concerns she had.

Speaking in rebuttal for the opposition, Doug Merritt, 1013 Bradberry Drive, said he had two concerns. All around they are RS-12. Setting here throughout this long evening, he saw numbers all over the screen from various properties that the Commission is recommending for rezoning. This is a consistent community. As a resident in this community and having gone around on New Year's Day with a petition against this, one getting an announcement for this meeting in the mail, but the neighbor next door not getting it. He saw a lot of inconsistencies here and it brings a lot of concern to them. Once

again, when they had the meeting last Friday, the developer came, telling them that he had no experience in building townhomes.

No one else came forward to speak in opposition. Chair Wolf closed the public hearing.

Mr. Hails said he heard mention of some people getting letters and some not. The requirement notification on the public notice by their department to surrounding residents is 600 feet from the affected area. So there are situations where one neighbor gets something and the others don't. They also have to rely, for better or for worse, on the current available information from the County Tax Office that oftentimes is woefully out of date. So they always apologize for bad communication, but they are doing the best they can. Established neighborhoods are very important to protect in a City. At the same time, they are trying to find ways to accommodate reasonable growth and development. That is what the Comp Plan tries to lay out for them. The GFLUM of the Comp Plan shows three to five dwellings units per acre low residential designation. This proposal is conforming with that. The GFLUM does not deal with housing types, but with compatibility based on density. Other Comp Plan policies of note are we are trying to encourage infill development and reinvestment in different parts of the community. They are also trying to encourage diverse types of housing to meet the different types of households in different parts of the community. He many times talks with groups about the 2000 Census had less than 40 percent of households across the country and here in North Carolina has husband, wife and children. We have a great need and there is a great demand when other types of projects come to the market for more diverse types of housing. However, we need to balance those with compatibility with neighborhoods and not have them conflict and destabilize those areas. Staff thinks the conditions attached to this proposal are important, extra buffering and landscaping and possibly the preservation of existing vegetation. Some of the details about townhouse type will ensure compatibility. Staff also believes that this type of development could benefit directly the surrounding area. Staff has seen that in a number of locations. Retirees want to move down the block or stay in the general area to visit friends and so on. Staff thinks the access via Prey's Street is very important to limit traffic impacts on the established neighborhood, as mentioned by a number of the speakers. If this site were developed under its current zoning, it would probably allow at least 16 single family houses. Without access to Prey's Street, all that traffic would be going up on Wimberly, Westland and onto Ellenwood. So staff is glad that GDOT required and applicants responded to the Prey's Street access. There will be access to Muirs Chapel Road, passing only one existing house so it would really reduce the impacts. While there might still be some secondary traffic going in other directions, it would be hard to imagine a substantial amount would go out the other direction if that direct access is available. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman.

Mr. Kauber said he thought this was a very good example of where infill makes sense so he had no problem with how the proposal meshes with the Comp Plan. However, the Comp Plan, although it doesn't always say this quite as directly as it says other things, also addresses process. There has been a lot of talk about process over the past few years, about being proactive, about getting developers to work with Planning, getting developers to work with neighbors, about getting neighborhood organizations to become more active. He didn't think three days before the Zoning Hearing is anything like treating these surrounding neighbors correctly and he simply will not support this because the process was just very, very poor.

Mr. Haynes said we talk about planned communities. You mention townhomes at Lake Jeanette and townhomes at Grandover. Those are planned communities. Hamilton Lakes is an established

community of 40 years. Everything that abuts or is adjacent to those homes, it is RS-12. He could not see changing it.

Chair Wolf said if that was how we analyze everything, the sprawl reports that we see, the articles in the newspaper about sprawl will never solve that because there are a multitude of infill sites around

town that are situated very similar to this. He remembers when the townhouses got built on Tower Road because he represented that developer. And although that situation, that setting is a little different, that's the old WCOG radio tower site, a lot of the neighbors didn't want to see that density on that street although it does back up to apartment projects on one side. The rest of it is backing up against residential single family. A lot of people didn't want that in there as well. Yet when those were sold, they are very similar to the townhouses these people are talking about, they have garages on them, he would bet over half the people who bought in that townhouse project lived in these neighborhoods. A lot of them were Starmount residents who wanted to stay in the area, didn't want to take care of a house, and that is what this kind of development will serve. He was going to be consistent with all his previous votes that this type of townhouse tends to serve the people in the area in which it is situated and that density isn't all that different. In most of the cases we have had before us, the thread that he hears running through the discussion is, "I really don't want any change at all." When he looks at those sites and if you were to stick standard single family in there, all those roads would be connected up. That is what that land asks for if it is single family. The only reason that wasn't done from the get-go was because that owner decided he didn't want to sell out when that neighborhood was built. Otherwise, all those roads would be connected and there would be no dead end streets. When they ask for single family development, the likelihood of a developer doing that is slim to none with the infrastructure costs therefore it will never go single family because everyone would like to live on a dead end street provided there are some trees and everything at the end of it that somebody else is going to pay taxes for. So he was strongly in favor of townhouses in these circumstances.

Mr. Schneider said he intended to support it for the same reasons. He thought that it also called for some connectivity. He thought it would be less of an impact on the neighborhood than to put 16 single family houses.

Ms. Shipman said she voted for this only because she agreed with her constituents in that you don't see that if you had a single family residence, it is not going to make things better. She would also say that everybody was discussing traffic and she didn't see a way of traffic actually going into Wimberly Drive. She saw it coming from other areas as well and it probably would not be that bad. She thought they did a good job of analyzing this and she was sure they took everything into consideration. Based on what they brought forth and the developer as well, she was going to vote for this.

Chair Wolf said there was a motion on the floor. The Commission voted 7-2 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Byrd, Spangler. Nays: Kauber, Haynes.)

**L. AN ORDINANCE REZONING FROM AGRICULTURAL TO LIGHT INDUSTRIAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF REGIONAL ROAD NORTH BETWEEN PLEASANT RIDGE ROAD AND CAINDALE DRIVE – FOR THE CITY OF GREENSBORO. (WITHDRAWN)**

This matter was withdrawn at the beginning of the meeting.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Hails said at the City Council's work session last week, they discussed a number of items related to our Comp Plan. The latter item, which was discussing joint public hearings between the Zoning Commission and the Planning Board, and they got into a discussion not only about the format of the

hearing, but also possibly restructuring of the separate Board and Commission. They have set for their January 22nd meeting a further discussion of this matter. They asked him to pass along to this Commission tonight and the Planning Board next week that this is under active consideration and would welcome your comments or reactions to it. Staff is also checking with other major North Carolina cities to see how they handle it. The issue that immediately got raised at the meeting was what sort of reaction you all as appointed citizens would have to essentially an added work load if you were sitting on a single merged commission that was looking at both rezoning matters and planning matters each month.

Chair Wolf said they had talked about this topic before over the last few years. He thought staff needed to study other jurisdictions that have all those functions by one board and come back to Council. He thought this Commission's opinion was irrelevant to Council. He thought it was more Council deciding what they want. How frequently do they meet? How long do the meetings last? Do they put any limit on the number of applications? And it needs to be a city of our size with about the approximate number of items that we have in any given month. He was worried if you join it, you would end up with, in order to meet the development community's needs which Council is real sensitive to, having two meetings a month. Then you start really impacting the ability to get people on the board. That was the only issue he saw.

Mr. Hails said he thought that was key information. Staff was going to try and collect that in the next couple of weeks. He knew that there are several cities, for example, Charlotte, Mecklenberg, and Durham where they have a single merged commission, but then they break it apart and each month they meet with two different committees, zoning and planning, and then they rotate the people every six to 12 months. But at any given point in time, there is usually a single business meeting. There are other examples as well, but because they are going to be discussing this matter further, he guessed it would be after the next meeting.

In response to questions by Chair Wolf, Mr. Ruska said the average Planning Board meeting was probably about an hour to an hour and a half although it can vary quite a bit.

Mr. Hails said only a couple of times a year do they have a long agenda.

Ms. Shipman said she thought they should always keep under consideration that they were all volunteers and they are looking at the time limit. Right now it is 8 o'clock. We're doing the best that we can do with what we have, but it is okay to meet with the Planning Board every now and then. But to bring a joint meeting together, that one extra hour would probably add up to 9 o'clock or 10 o'clock at night, you never know.

Mr. Hails said meetings had run over two hours in the last couple of months.

Mr. Ruska said it was variable. For example, the joint meeting that you will have on January 19, not only do you have the original zoning requests and the Comp Plan map change, but after that they will be looking at a number of staff initiated GFLUM changes so that will be a quite lengthy meeting.

Chair Wolf said they are going to have to redo how you staff these boards. If you were to add a guaranteed two to three hours of work to a joint board, that would not cut it. We had a few months where we were 8 o'clock, sometimes even 10 o'clock. Those few months back to back, there were a lot of us looking around like, "Is this worth it?" That is way too much to have us sitting in an eight hour meeting.

Mr. Hails said something they would also bring back. He knew a lot of different jurisdictions manage heavy months differently, everything from having a second meeting a month based on need, to setting a maximum number of cases and pushing others over to the next month, which can lead to a backlog. They will try to include that in the information that staff collects. But Council has asked for your feedback and staff will try and send out the information we have so we can revisit it next month.

Chair Wolf said he would reserve comment until he saw how the January joint meeting goes.

Ms. Shipman said she would like for Council to look into consideration at what the Zoning Commission is doing. Every now and then in the goodness of their hearts, have refreshments for the Commission. She knew she was about to starve. Even before the holidays, they didn't even think about us to even leave a candy cane. So let them work it out with us, but we have got to see if they are appreciating what we are doing for them up here.

Mr. Gilmer said he knew their charter would not allow them to be compensated, but on those joint boards in the other cities, can you see if they are compensated or anything like that and bring that back to us too and also present that to City Council.

\* \* \* \* \*

There being no further business before the Commission, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/ts.ps